

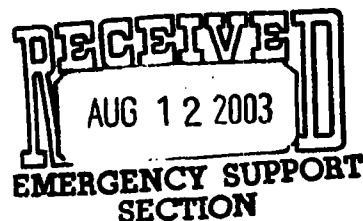
**BOSE
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ATTORNEYS AT LAW

US EPA RECORDS CENTER REGION 5



401349



August 8, 2003

Debbie Regel
Enforcement Specialist
U.S. Environmental Protection Agency
Emergency Enforcement
& Support Section, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Request for Information pursuant to CERCLA § 104 (e) for
Gary Development Landfill Site, Gary, Indiana

Dear Ms. Regel:

Enclosed is our file copy of the response letter on behalf of William Nanini that was
previously mailed to your office but not received.

Sincerely,

Elizabeth Stumm
Legal Secretary to
Richard S. VanRheenen

/es

Enclosure

482465 / 9273.02

**BOSE
McKINNEY
& EVANS LLP**

ATTORNEYS AT LAW

FILE COPY

Richard S. VanRheenen

Downtown Office

Direct Dial (317) 684-5349

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July 1, 2003

Debbie Regel
Enforcement Specialist
U.S. Environmental Protection Agency
Emergency Enforcement & Support Section, SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590

RE: Request for Information pursuant to CERCLA § 104 (e) for
Gary Development Landfill Site, Gary, Indiana

Dear Ms. Regel:

I represent Mr. William M. Nanini with respect to the above referenced matter. The following responses to U.S. Environmental Protection Agency's Request for Information dated March 24, 2003, were prepared for Mr. William M. Nanini. Mr. Nanini has signed this letter as to the responses, and I have signed this letter as to the objections and the preparation of the responses.

- 1. Identify all persons consulted in the preparation of the answers to these Information Requests.*

RESPONSE TO REQUEST NO. 1

I consulted with Bose McKinney & Evans LLC in the preparation of the answers to these Information Requests.

- 2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests, and provide copies of all such documents.*

RESPONSE TO REQUEST NO. 2

Responsive documents are enclosed with these responses.

3. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons.*

RESPONSE TO REQUEST NO. 3

Lawrence Hagen Sr. may be able to provide more detailed or complete responses to one or more of these Information Requests.

4. *Identify the acts or omissions of any persons, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants, and damages resulting therefrom.*

OBJECTION TO REQUEST NO. 4

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I had employees, contractors or agents and assumes that such employees, contractors or agents may have caused the release or threat of release of certain substances. I did not personally have employees, contractors or agents with respect to the Gary Development Landfill. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only. Also, the Request assumes the existence of a release or threat of release of certain substances.

RESPONSE TO REQUEST NO. 4

Without waiver of the above objection, I do not have any knowledge that there has been any release or threat of release of hazardous substances, pollutants, or contaminants.

5. *Identify all persons having knowledge or information about the generation, transportation, treatment, disposal, or other handling of hazardous substances by you, your contractors, or by prior owners and/operators.*

OBJECTION TO REQUEST NO. 5

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I had contractors and assumes that such contractors and I may have engaged in the generation, transportation, treatment, disposal, or other handling of hazardous substances with respect to the Gary Development Landfill. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only.

RESPONSE TO REQUEST NO. 5

Without waiver of the above objection, I am not aware of any hazardous substances disposed in the landfill, or in containers in buildings at the Site.

6. *Did you ever use, purchase, store, treat, dispose, transport or otherwise handle any hazardous substances or materials at the Site? If the answer to the preceding question is anything but an unqualified "no", identify:*

OBJECTION TO REQUEST NO. 6

I object to this Information Request on the grounds that it is defective in form. The portion of the Request noted above uses the phrase "hazardous substances or materials" while the sub-parts 6(a)-6(f) only use the phrase "hazardous substances." Gary Development Company always intended to accept, and believed that it accepted only non-hazardous wastes. Additionally, I object to this Request on the grounds that it is unduly burdensome to the extent that the information sought by this Request was the subject of the U.S. EPA proceeding styled "In the Matter of Gary Development Company, Inc., 479 North Cline Avenue, P.O.Box 6056, Gary, Indiana, 46406, Ind. 077-005-916," Docket No. RCRA V-W-86-R-45. (The EPA RCRA Proceeding.) U.S. EPA obtained such information at that time. It is unduly burdensome to require me to attempt to supply such information at this time, on the basis of memory, when EPA presumably has the transcript of that proceeding, including exhibits, and thus has much more complete information that would be responsive to this Request, including its sub-parts.

RESPONSE TO REQUEST NO. 6

I never purchased, stored, treated, disposed, transported or otherwise handled any hazardous substances or materials at the Site in an individual capacity and, to my knowledge, Gary Development Company disposed materials consisting only of non-hazardous waste in the landfill at the Site.

- a) *The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance;*

RESPONSE TO REQUEST NO. 6 a

Not applicable.

- b) *Who supplied you with such hazardous substances;*

RESPONSE TO REQUEST NO. 6 b

Not applicable.

- c) *How such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;*

RESPONSE TO REQUEST NO. 6 c

Not applicable.

- d) *When such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you;*

RESPONSE TO REQUEST NO. 6 d

Not applicable.

- e) *Where such hazardous substances were used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you; and*

RESPONSE TO REQUEST NO. 6 e

Not applicable.

- f) *The quantity of such hazardous substances used, purchased, generated, stored, treated, transported, disposed, or otherwise handled by you.*

RESPONSE TO REQUEST NO. 6 f

Not applicable.

7. *Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. In addition, identify the following:*

OBJECTION TO REQUEST NO. 7

I object to this Information Request on the grounds that it is defective in form. The Request assumes that I may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site or to the Site. My actions with respect to the Gary Development Landfill were on behalf of the Gary Development Company only. Additionally, Gary Development Company always intended to accept, and believed that it accepted only non-hazardous wastes. Thus, all responses to sub-parts 7(a) - 7(q), are without any admission or representation that any constituent of any material brought to the Site, constituted or contained hazardous substances. Additionally, I object to this Request on the grounds that it is unduly burdensome. The information sought by this Request was the subject of the EPA RCRA Proceeding and thus U.S. EPA obtained the information at that time. It is unduly burdensome to require me to attempt to supply such information at this time, on the basis of memory, when EPA presumably has the transcript of that proceeding, and thus has much more complete information that would be responsive to this Request, including its sub-parts.

RESPONSE TO REQUEST NO. 7

Gary Development Company and its customers made arrangements for waste materials from such customers to be disposed in the landfill at the Site. Lawrence H. Hagen, Sr. would have handled the arrangements on behalf of Gary Development Company. I gave specific instructions to Larry Hagen that under no circumstances should the landfill accept any wastes that were hazardous. To the best of my knowledge, the landfill never accepted any hazardous wastes. I do not remember the names of any customers of Gary Development Company or the names of any representatives of those customers.

- a) *The persons with whom you or such other persons made such arrangements;*

RESPONSE TO REQUEST NO. 7 a

I do not remember the names of any customers of Gary Development Company, or the names of any representatives of those customers.

b) Every date on which such arrangements took place;

RESPONSE TO REQUEST NO. 7 b

I do not remember any specific dates on which any such arrangements took place.

c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid) and the process for which the substance was used or the process which generated the substance;

RESPONSE TO REQUEST NO. 7 c

I do not remember the chemical composition, characteristics or physical state of any materials brought to the Site for disposal in the landfill except as follows: all materials were either rubbish and garbage, or solid construction debris like broken concrete, except for a liquid that I understand from Larry Hagen was not toxic and could be safely handled and disposed. Additional information relating to the chemical composition, characteristics and physical state of some of the materials brought to the Site for disposal in the landfill is set out in the EPA RCRA Proceeding.

d) The owner of the waste materials or hazardous substances so accepted or transported;

RESPONSE TO REQUEST NO. 7 d

I do not know who owned any such materials. I assume that the companies that generated the waste materials owned them, but I do not know that.

e) The quantity of the waste material or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

RESPONSE TO REQUEST NO. 7 e

I do not remember the specific quantities of such waste materials.

- f) All tests, analyses, and analytical results concerning the waste materials;*

RESPONSE TO REQUEST NO. 7 f

I do not remember any specific tests, analyses, and analytical results concerning any waste materials.

- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;*

RESPONSE TO REQUEST NO. 7 g

I do not know who selected the Site as the place to which waste materials were to be transported. I assume that the companies that generated the waste materials and/or the companies that transported the waste materials made such decision, but I do not know that.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;*

RESPONSE TO REQUEST NO. 7 h

I do not remember the specific amount paid in connection with any given transaction, or the method of payment, or the identity of the specific person from whom any given payment was received.

- i) Where the person identified in g. above intended to have such hazardous substances or waste materials transported and all evidence of this intent;*

RESPONSE TO REQUEST NO. 7 i

Because I cannot remember the identity of any individual in response to Request No. 7(g), I cannot respond to this Request.

- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal;*

RESPONSE TO REQUEST NO. 7 j

I do not know whether any waste materials disposed at the Site were transshipped through, or were stored or held at, any intermediate Site prior to final treatment or disposal.

- k) what was actually done to the waste materials or hazardous substances once they were brought to the Site;*

RESPONSE TO REQUEST NO. 7 k

Waste materials brought to the Site were disposed in the landfill and covered at the end of each day with clay and compacted as required by the permit.

- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;*

RESPONSE TO REQUEST NO. 7 l

The final disposition of waste materials brought to the Site was disposal in the landfill.

- m) The measures taken by you to determine the actual methods, means, and Site of treatment or disposal of the waste materials and hazardous substances involved in each transaction;*

OBJECTION TO REQUEST NO. 7m

I object to this Information Request on the grounds that it is defective in form. This Request appears to seek information from a generator or transporter of such materials, not the receiving facility.

RESPONSE TO REQUEST NO. 7 m

As the operator, Gary Development Company knew the actual methods, means, and Site of treatment or disposal of waste materials.

- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;*

RESPONSE TO REQUEST NO. 7 n

I cannot remember the specific type and number of containers in which any particular waste materials were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers. Generally, waste materials arrived at the Site in bulk - either in dump trucks or in compactor trucks.

- o) The price paid for (i) transport or (ii) disposal of (iii) or both, of each waste material and hazardous substance;*

RESPONSE TO REQUEST NO. 7 o

I cannot remember the specific price paid for the transportation and/or disposal of any particular waste materials. Larry Hagen set the price based on disposal of non-hazardous waste.

- p) All documents containing information responsive to a) - o) above, or in lieu of identification of all relevant documents, provide copies of all such documents;*

RESPONSE TO REQUEST NO. 7 p

I no longer have any documents relevant to Request 7(a)-(o). I believe the documents that related to some shipments of waste materials to the Site were made exhibits in the EPA RCRA Proceeding.

- q) All persons with knowledge, information, or documents responsive to a) - o) above.*

RESPONSE TO REQUEST NO. 7 q

Lawrence Hagen Sr. was the general manager of Gary Development Company and managed the landfill operations on a daily basis. At the time, he was knowledgeable about the companies that were customers of Gary Development Company, and knowledgeable about the frequency, volume and pricing of the transactions. It is doubtful he would remember the specifics now.

8. *Identify the person or persons who held the authority for decisions regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site.*

OBJECTION TO REQUEST NO. 8

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances." To my knowledge, waste materials brought to the Site did not contain hazardous substances. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Thus, the response to Request No. 8 is without any admission or representation that any constituent of materials brought to the Site contained hazardous substances.

RESPONSE TO REQUEST NO. 8

No person or persons held any authority for decisions regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances of the Site. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes.

9. *Identify any shareholders of Gary Development Co., Inc. who held the authority for decisions and/or exercised that authority regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site.*

OBJECTION TO REQUEST NO. 9

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances." The Site has not been in operation for many years, I do not have any records that contain such information, and I can not remember whether any constituent of materials brought to the Site contained hazardous substances. Also, Gary Development Company always intended to accept, and believed it accepted, only non-hazardous wastes. Thus, the response to Request No. 9 is without any admission or representation that any given substance that may have been a constituent of materials brought to the Site contained hazardous substances.

RESPONSE TO REQUEST NO. 9

No shareholders of Gary Development Company held any authority for decisions and/or exercised any authority regarding the purchase, storage, transfer, acceptance or abandonment of hazardous substances at the Site. Larry Hagen was a minority shareholder with specific instructions from William Nanini not to accept any hazardous waste. Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes.

10. Provide copies of all local, state, and federal environmental permits ever granted for the Facility or any part thereof (e.g. NPDES permits, etc.).

RESPONSE TO REQUEST NO. 10

I do not have copies of any local, state, and federal environmental permits that may have been granted for the Facility or any part thereof.

11. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify:

OBJECTION TO REQUEST NO. 11

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous substances, pollutants, or contaminants." The Site has not been in operation for many years, I do not have any records that contain such information, and I cannot remember whether any constituent of materials brought to the Site contained hazardous substances, pollutants or contaminants. Also, Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Thus, the response to Request No. 11 is without any admission or representation that any given substance that may have been a constituent of materials brought to the Site contained hazardous substances, pollutants or contaminants. Additionally, although your March 24, 2003, letter defines the term "release," the term "releases into the environment" is not defined. The Site was a landfill. The materials brought to the Site were disposed in the landfill.

RESPONSE TO REQUEST NO. 11

I am not aware of any leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants at or from the Site.

a) *When such releases occurred;*

RESPONSE TO REQUEST NO. 11 a

Not applicable.

b) *How the releases occurred;*

RESPONSE TO REQUEST NO. 11 b

Not applicable.

c) *The amount of each hazardous substances, pollutants, or contaminants so released;*

RESPONSE TO REQUEST NO. 11 c

Not applicable.

d) *Where such releases occurred;*

RESPONSE TO REQUEST NO. 11 d

Not applicable.

e) *Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.*

RESPONSE TO REQUEST NO. 11 e

Not applicable.

f) *Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and*

RESPONSE TO REQUEST NO. 11 f

Not applicable.

g) All persons with information relating to these releases.

RESPONSE TO REQUEST NO. 11 g

Not applicable.

12. Did any leaks, spills, or releases of hazardous materials occur on the Site when such materials were being:

OBJECTION TO REQUEST NO 12

I object to this Information Request on the grounds that it is defective in form. The Request assumes the existence and knowledge of "hazardous materials." The Site has not been in operation for many years, I do not have any records that contain such information, and I cannot remember whether any constituent of materials brought to the Site contained hazardous materials. Also, Gary Development Company always intended to accept, and believed that it accepted, only non-hazardous wastes. Additionally, although your March 24, 2003, letter defines the terms "hazardous substances" and "materials" it does not define the term "hazardous materials." Thus, I do not know what that term means. Additionally, although your March 24, 2003, letter defines the term "release," the term references the phrase "into the environment" which is not defined. The Site was a landfill. The materials brought to the Site were disposed in the landfill. If disposal in a landfill constitutes "releases into the environment," then all the materials were released into the environment. Thus, the response to Request No. 12 is without any admission or representation that any given substance that may have been a constituent of materials brought to the Site contained hazardous materials.

a) Delivered by a vendor;

RESPONSE TO REQUEST NO. 12 a

I am not aware of any leaks, spills, or releases of hazardous materials.

b) Stored (e.g., in any tanks, drums, or barrels);

RESPONSE TO REQUEST NO. 12 b

I am not aware of any leaks, spills, or releases of hazardous materials.

- c) Transported or transferred (e.g., to or from any tanks, drums, barrels, or recovery units); or*

RESPONSE TO REQUEST NO. 12 c

I am not aware of any leaks, spills, or releases of hazardous materials.

- d) Treated.*

RESPONSE TO REQUEST NO. 12 d

I am not aware of any leaks, spills, or releases of hazardous materials.

- 13. Provide a list of the hazardous substances and/or chemicals routinely used on a regular basis by the Gary Development Co., Inc. during its operation at the Site, including but not limited to substances used as insecticides and for machinery and vehicle maintenance.*

RESPONSE TO REQUEST NO. 13

Gary Development Company used lubricating oils and motor oils to maintain heavy equipment and used diesel and gasoline as fuel for the heavy equipment.

- 14. Describe how these hazardous substances and/or chemicals which were used by the Gary Development Co., Inc. during its operation at the Site were disposed of by the Gary Development Co., Inc. Provide copies of hazardous waste manifests showing the ultimate disposition for these wastes and hazardous substances that were used to maintain and operate the landfill and related machinery.*

OBJECTION TO REQUEST NO. 14

I object to this Information Request on the grounds that it is defective in form. The Request assumes that materials used to maintain and operate the landfill and related machinery were disposed, and assumes that any materials disposed were RCRA hazardous wastes for which manifests were required. The response to Request No. 14 is without any admission or representation that any substance used for maintenance and operation was a hazardous substance, or was a hazardous waste that required a hazardous waste manifest or was disposed at all.

RESPONSE TO REQUEST NO. 14

I do not know whether any such materials were disposed. If any materials were disposed, I do not know if any such materials were required to have hazardous waste manifests. I do not have copies of any hazardous waste manifests for any such materials, if ever there were any.

15. Did Gary Development Co., Inc. at any time abandon any drums, containers, insecticides, paints, roofing cements, freon cylinders, drain cleaners, windshield wiper fluid, electrical capacitors or any other materials at the Site?

RESPONSE TO REQUEST NO. 15

No. After we closed the site, we padlocked the site with a heavy chain and lock. Materials such as lubricating oils, motor oils and diesel fuel may have been stored in the locked maintenance garage at this time for use or future sale. Until the time that Gary Development Company allowed IDEM to replace Gary Development Company's lock with a lock of IDEM's choosing, these materials were properly secured in the maintenance building owned by Gary Development Company, and were not waste materials. Any problems with the disposal of any such materials after that date, were a result of IDEM's control over site access.

16. Provide a detailed list of materials, chemicals, and/or hazardous substances that Gary Development Co., Inc. left at the Site as of July 30, 1997. In addition, describe where the materials originated from, and who was responsible for those materials being left at the Site.

RESPONSE TO REQUEST NO. 16

I do not know what materials, if any, Gary Development Co., Inc. had at the Site as of July 30, 1997. Commercially useful materials may have been on hand at that time, consisting of lubricating oil and/or motor oil and diesel fuel.

17. Identify whether any materials, chemicals, and/or hazardous substances were left at the Site after July 30, 1997, and provide a detailed list of those materials. In addition, describe where the materials originated from, and who was responsible for those materials being left at the Site.

RESPONSE TO REQUEST NO. 17

To the extent this Request seeks the same information as Request No. 16, see my response to Request No. 16. To the extent it seeks information about any other materials, to my knowledge all waste materials landfilled at the Site remained at the Site as of that date.

18. Describe the nature of your daily activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials. If you were not at the Site on a regular basis, describe how often you went to the Site and what activities you engaged in on those visits.

RESPONSE TO REQUEST NO. 18

I did not have daily activities or business at the Site, and so did not have daily activities or business with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling any materials. I was at the Site on a monthly basis, more or less, and reviewed general financial and operations information relating to Site operations when I visited the Site.

19. Provide the name, last known address, and telephone number of the employees of Gary Development Co., Inc. who worked at the Site during the years of the landfill's operation and describe the nature of their work at the Site.

RESPONSE TO REQUEST NO. 19

Larry Hagen Sr. – general manager
Larry Hagen Jr. – hourly wage earner - equipment operator
Various other equipment operators whose names I cannot remember

U.S. EPA already has contact information on these individuals, as they have also received information requests from U.S. EPA.

20. State whether any officers or directors of Gary Development Co., Inc. approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose or abandon wastes from the facility at the Site. Describe the nature and extent of such approval, authorization, discussion, knowledge, or awareness.

OBJECTION TO REQUEST NO. 20

I object to this Information Request on the grounds that it is defective in form. The phrase "dispose or abandon wastes from the facility at the Site" is ambiguous and unclear.

RESPONSE TO REQUEST NO. 20

To the best of my knowledge, no officers or directors of Gary Development Co., Inc. approved, authorized, discussed, or had knowledge or awareness of any arrangement to dispose or abandon waste from the facility at the Site, except that I assume food waste and miscellaneous non-hazardous rubbish generated on an ongoing basis at the facility was disposed in the landfill at the Site.

- 21. List all names under which Gary Development Co., Inc. has ever operated and has ever been incorporated, including, but not limited to Rock Road Construction Company. For each name listed, provide the following information which should include a copy of any document consulted, examined, or referred to:*

RESPONSE TO REQUEST NO. 21

Gary Development Co., Inc. never operated under any name other than Gary Development Company. Rock Road Construction Company was a separate corporation.

- a) Whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is not longer in business.*

RESPONSE TO REQUEST NO. 21 a

Gary Development Co., Inc. dissolved on April 17, 1998.

- b) Names, addresses, and telephone numbers of all officers and operations management personnel.*

RESPONSE TO REQUEST NO. 21 b

The names and last known addresses of officers are: William M. Nanini, President and Treasurer, 2120 West Ina Road, Suite 200, Tucson, Arizona 85741; Lawrence H. Hagen, Sr., Executive Vice President, 1648 Jupiter Cove, Jupiter, Florida 33477; James B.

Nanini, Secretary, 7703 Sussex Creek Drive, Darien, Illinois 60561; Steven L. Nanini, Assistant Secretary, 2120 West Ina Road, Suite 200, Tucson, Arizona 85741.

Operations Management personnel: Lawrence Hagen, Sr.

- c) Names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations, if any, of Gary Development Co., Inc.*

RESPONSE TO REQUEST NO. 21 c

Gary Development Company never had any subsidiaries, unincorporated divisions or operating units or affiliates. Rock Road Construction Company, a separate corporation, was the parent corporation of Gary Development Company. Indiana LLC was a company formed to market methane gas produced by the landfill, but this company was never active.

- 22. Did Rock Road Construction Company participate in decisions regarding Gary Development Co., Inc.'s financial matters, or loan, grant, or otherwise advance any funds to Gary Development Co., Inc.? If your answer is anything other than a "no", describe how and to what extent Rock Road Construction Company participated in such decisions.*

RESPONSE TO REQUEST NO. 22

At the outset, when Gary Development Company was first formed, Rock Road Construction Company lent Gary Development Company funds to commence business operations. Also, the property was originally purchased from the previous owner, Gary De-tinning Company by Rock Road Construction Company before being acquired by Gary Development Company.

- 23. Did Rock Road Construction Company participate in decisions regarding environmental matters at the Site, or have the capacity to control the disposal of hazardous substances at the Site? If your answer is anything other than "no", describe how and to what extent Rock Road Construction Company participated in such decisions.*

RESPONSE TO REQUEST NO. 23

No.

24. Identify all shared officers and directors of Rock Road Construction Company and Gary Development Co., Inc. and provide their titles, dates of service, and duties with Gary Development Co., Inc.

RESPONSE TO REQUEST NO. 24

William Nanini was president of Rock Road Construction Company and Gary Development Co., Inc. His duties were general strategic decision-making.

25. Describe the extent and nature of your involvement in the design and/or construction of the landfill at the Site.

RESPONSE TO REQUEST NO. 25

I was not personally involved in the design and/or construction of the landfill at the Site. My involvement was, as the president of Gary Development Company, I hired Lawrence Hagen, Sr. to have responsibility over construction. I hired Joe Tite as the design engineer to develop plans for Gary Development Company to obtain the permit for the landfill.

26. Describe whether you participated in preparing, reviewing and/or approving of Gary Development Co., Inc.'s proposal to operate a landfill at the Site submitted to the Indiana State Board of Health on May 31, 1973.

RESPONSE TO REQUEST NO. 26

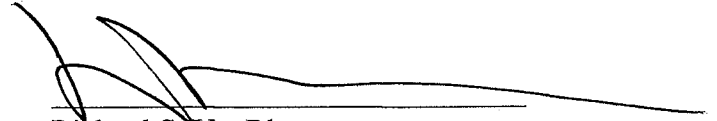
I do not remember, but I solicited and received approval to operate a sanitary landfill, using a local law firm, whose name I cannot remember, and Joe Tite, identified in response to Request No. 25, to assist me to obtain the permit for the landfill from the city of Gary, Indiana.

AS TO THE RESPONSES:


William M. Nanini

RSV/es

AS TO THE OBJECTIONS AND
THE PREPARATION OF THE
RESPONSES:

A handwritten signature in dark ink, appearing to read 'Richard S. VanRheenen', is written over a horizontal line.

Richard S. VanRheenen
BOSE McKINNEY & EVANS LLP
Counsel for William M. Nanini

RSV/es

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